

**DES MOINES COUNTY, IOWA  
ZONING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, MARCH 22, 2021**

The Des Moines County Zoning Commission met in regular session on March 22, 2021 at 5:30 P.M. The public health emergency regarding COVID-19 (Coronavirus) made it impractical to hold this meeting entirely in person. Two members of the Des Moines County Land Use staff and five of the Zoning Commission members attended in-person in the large basement conference room at the SEIRPC office at 211 N. Gear Ave, West Burlington, while the other Commission member attended through a conference call. Members of the public were notified of the meeting through a newspaper notice, and invited to attend remotely, but none were in attendance.

**1. Call to Order**

Chairman Ryan Nagrocki called the meeting to order at approximately 5:34 P.M.

**2. Roll Call**

Individuals attending remotely are indicated by an asterisk (\*). All others attended the meeting in person.

Commission members present:    Ron Breuer                      Dick Keith  
  Jesse Caston \*                      Ryan Nagrocki  
  Russ Fry                                Ron Wunderlich

Commission members absent:    (one position presently vacant)

Staff Present:                                Zach James and Jarred Lassiter, SEIRPC

**3. Changes to Tentative Agenda**

None

**4. Approval of the Minutes for October 19, 2020**

**Motion #1:**            To approve the Minutes of the October 19, 2020, meeting.  
**Motion by:**            Wunderlich  
**Seconded by:**        Keith  
**Vote:**                    Unanimous vote. Motion carried.

**5. New Business**

**A. Discussion of proposed reduction of Zoning Commission membership from 7 members to 5 members**

Mr. James and Mr. Lassiter provided background on a tentative proposal to reduce the number of members on the Zoning Commission from 7 to 5 members. Mr. James referenced the ongoing difficulty of finding eligible people willing to serve on the Commission, and the added complication of a 2020 amendment to the chapter on County Zoning in the Iowa Code, which resulted in one of the Commission's members, Sally Parrott, no longer being eligible to serve since she resides in an incorporated municipality (Burlington). It was noted that her position remains vacant nearly 10 months later, and another Commission member, Ron Wunderlich had expressed interest in retiring after his term expired in January 2021 *[The Rules of Procedure specify that if a member's term expires, they shall continue to hold office until their successor is appointed]*.

Mr. Lassiter said that he had researched the membership of Zoning Commissions in around 20 different Counties around Iowa, primarily those with similar or larger population than Des Moines County. He found that a slight majority of them had 5 members, and the second highest number of them had 7 members. Mr. James said that staff had recently held a work session with the Board of Supervisors in January 2021, to discuss the matter of reducing Zoning Commission membership. In the process, it was learned that the Board passed a resolution in 1998 to establish the Zoning Commission, and this resolution was the source of setting the membership at 7 people. Therefore, this same

resolution would need to be amended today, in order for anything different to be listed in the Zoning Ordinance or the Commission's Rules of Procedure. Mr. James indicated that the Board members seemed supportive of the change.

Mr. Keith said he felt that it would be beneficial to have more than 5 members, in case one or more of the positions were suddenly to become vacant, and staff had difficulty filling the vacancy. He said it might be best if it was written into local ordinance that there is flexibility between having 5 to 7 members, instead of limiting it to one or the other – that way, with the present day difficulties finding a new member, the Commission could proceed with 5 or 6, and then try again for 7 at a later date, as deemed necessary by the membership. Mr. Lassiter said that while he couldn't remember the specific source, he recalled hearing that having an even number of members (6) would at best be strongly discouraged, and at worst not allowable by State law. He said that it would be preferable that at least one set of written regulations list a definitive number – for example, the Board of Supervisors resolution and Zoning Ordinance could say '5 or 7 members', while the Commission's Rules of Procedure says '5 members'. The Rules of Procedure would be much easier to amend than those other documents, since it only requires a vote by the Commission members, not the Board of Supervisors.

Mr. Nagrocki asked if it was necessary for the Commission to submit a formal recommendation on the proposed change to the Board of Supervisors. Mr. Lassiter said that this would not be necessary, and the matter was brought up at this meeting as a courtesy to the members of the Commission that would be affected by any such change that the Board of Supervisors makes.

Mr. Lassiter mentioned one other proposed change that would require an amendment to the Board of Supervisors' 1998 resolution creating the resolution – the minimum number of days prior to a public hearing that a newspaper publication can be printed about that hearing. He said that the 1998 resolution said that such a notice must be 'not less than 7 days nor more than 20 days' prior to the hearing, and this same threshold is now listed in the Zoning Ordinance. He said that in the chapter on Home Rule, Iowa Code only requires that notices be published 'not less than 4 days', instead of 7, and it seems unnecessary for Des Moines County to have a stricter requirement.

## **6. Old Business**

### **A. Des Moines County Land Use Ordinances update – Discussion of Proposed Changes to Subdivision and Zoning Ordinances**

Mr. Lassiter went through a series of changes made to the draft ordinance documents since the previous Commission meeting in October 2020, based on feedback from Commission members, internal staff discussions, and outreach to other relevant agencies and experts. He mentioned two examples where recent local news items in neighboring jurisdictions were cause for adding new items to the draft ordinances. These involved the regulation of 'adult oriented businesses and the Iowa Code requirement that homes subject to the 'Home and Community-Based Services Waiver' be allowed within any single-family residential zoning district. There was general consensus among the members that these would be good items to include in the updated ordinance.

Among the proposed changes discussed, Mr. Lassiter noted that staff is now recommending the creation of a new zoning district called 'R-1A River Cabin Residential', which would only apply to the existing residential area between Tama Road and the Mississippi River. The intent would be to allow certain things in that district that would not be appropriate for other single-family residential districts. These each pertain to the construction of a standalone storage building as the principal use on a lot, with the owner's year-round or seasonal dwelling located on the river side of the levee. Mr. James noted that numerous requests for these have been made in recent years, and while there has been an established precedent of allowing them through a zoning permit, it would be beneficial to have this formally referenced in the zoning ordinance, so that it does not create a precedent for allowing these types of uses elsewhere in the two-mile zoning area. Mr. Wunderlich acknowledged that as a resident within the proposed R1A District, he has personally been involved with several of these storage building projects undertaken by his neighbors. He noted that two of these have resulted in substantial aesthetic improvements to the properties involved, which were previously occupied by dilapidated mobile homes and outdoor storage of items such as discarded tree stumps.

Mr. Lassiter mentioned that after further discussion, staff has decided to remove several property rezonings from coinciding with the general ordinance update. He explained that the intention was to remove any that could be seen as controversial among surrounding property owners, based on their ability to enable new multi-family, commercial, or industrial development where none yet exists. Instead, he said the focus should be kept on those rezonings that would be directly necessitated by the text changes in the ordinance, and those involving the change between R-1 and A-1 (or vice versa), which would be comparatively less impactful.

Mr. Lassiter noted that while draft chapters had been prepared for regulating both wind farms and solar farms, staff has decided to keep only the chapter on solar farms. Following a recent work session with the Board of Supervisors, the general consensus was that between the two, a solar farm is much more likely than a wind farm to be developed in Des Moines County within the next few years. Furthermore, since certain landscape conditions are necessary to make a wind farm viable, it is highly unlikely that any would be developed within the two-mile zoning jurisdiction, as opposed to the flat area of high elevation in the northwest part of the county. In contrast, Land Use staff has received several inquiries about solar farms within just the past two years, and the recent development of a large solar farm in Louisa County is likely to spur even more interest in the area. Mr. Breuer said he was aware of a proposal to establish a solar farm within the boundary of the Iowa Army Ammunition Plant, immediately west of the two-mile zoning jurisdiction. Mr. Keith asked whether Commission members would have the opportunity to review the proposed ordinance language addressing solar farms. Mr. James confirmed that members would be provided with a copy of the draft ordinances at the same time as the County Attorney is reviewing them.

Mr. Lassiter brought up several specific items from the ordinances that staff desired to have additional feedback on. First among these was the definition of the term 'permanent foundation', which is necessary to provide a distinction between a 'structure' (requiring a zoning permit) and something such as a pavement slab for a basketball court (which would not require one). This was intended to address the addition of in-ground swimming pools as a residential accessory use requiring a permit. Mr. Keith suggested that the County not require permits for swimming pools, if the only reason is to prevent the rare instance of someone mistakenly building an in-ground pool across a parcel line.

Mr. Lassiter mentioned that the Zoning Ordinance currently has a requirement for 'minimum dwelling size', and staff had initially proposed changing the minimum from 1,000 SF to 600 SF. Mr. Keith suggested that this requirement be removed entirely, noting that his daughter resides in an even smaller dwelling (a 'tiny home') in another county. He said that while priorities may be different in urban areas, it seems unfair to impose such restrictions on the residents of low-density rural areas.

One final topic of discussion was the minimum width of shared access easements in the Subdivision Ordinance. Mr. Lassiter noted that the ordinance currently does not have a minimum width for access easements serving two properties, and staff had initially proposed a minimum width of 25 feet if both are residential properties, and 35 feet if either is used for agricultural, commercial or industrial purposes. Mr. Keith suggested that the width should be at least 30 to 40 feet even for residential, as some properties require long driveways over rugged terrain. Mr. James suggested a possible solution that because many such shared easements involve a comparatively shorter driveway, the requirement should vary based on the length of the driveway involved – with those beyond a certain distance requiring a wider easement.

## **7. Public Input**

None

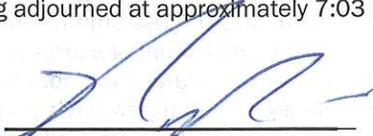
## **8. Future Agenda Items**

Mr. James discussed the anticipated procedure and timeframe for having the ordinance update completed. He noted that once a few additional changes are made to the draft ordinances, the County Attorney's office will be reviewing them for any potential legal issues, and once any such issues are addressed and resolved, the Commission can hold a public hearing and make a final recommendation to the Board of Supervisors. From there, the Board will hold three readings and vote on whether to adopt the revised ordinances. This will include a number of proposed rezonings of property. Mr. Keith said he anticipated a significant amount of feedback and inquiries from members of the public, when notices are mailed out to property owners within 500 feet of any property proposed to be rezoned. Therefore, he suggested that staff send the mailings out at least a month in advance of the public hearing, to allow plenty of time for people to contact staff and ask questions, so that time isn't wasted on numerous public questions at the hearing itself.

9. **Adjournment**

**Motion #2:** To adjourn  
**Motion by:** Wunderlich  
**Seconded by:** Breuer  
**Vote:** Unanimous vote. Motion carried.

The meeting adjourned at approximately 7:03 P.M.

**APPROVED:**   
\_\_\_\_\_  
Ryan Nagrocki, Chairman

**ATTEST:**   
\_\_\_\_\_  
Zach James, Land Use Administrator